



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU REINSTATES 800 MHZ APPLICATION FREEZE FOR WAVE 4 BORDER AREA NPSPAC AND NON-NPSPAC LICENSEES ALONG THE U.S.-CANADA BORDER

WT Docket No. 02-55

By this Public Notice, the Public Safety and Homeland Security Bureau (Bureau) reinstates the freeze on the filing of new non-rebanding related 800 MHz applications along the U.S.-Canada border until the earlier of: (1) April 14, 2011 or (2) the date on which the Bureau determines that accepting non-rebanding applications in a specific NPSPAC region will have no negative impact on rebanding. This reinstatement of the freeze on non-rebanding applications is needed to preserve vacant channels for licensees re-tuning their systems according to the reconfigured band plan adopted by the Bureau for licensees operating along the U.S.-Canada border.¹

The Bureau established a thirty-month transition timetable, beginning October 14, 2008, for Wave 4 800 MHz licensees in the U.S. - Canada border regions to complete band reconfiguration.² During this transition, licensees operating in the U.S. - Canada border regions are required to engage in planning and to negotiate and enter into Frequency Relocation Agreements (FRAs) with Sprint Nextel Corp. (Sprint) to transition to the new band plan.³ Coincident with adoption of the thirty-month transition timetable, the Bureau froze acceptance of new 800 MHz applications during the planning and negotiation period.⁴ The purpose of this application freeze was to preserve the spectral landscape in the U.S.-Canada border region while the 800 MHz Transition Administrator (TA) determined replacement channels for relocating licensees.⁵ That freeze ended on July 1, 2009.⁶

As of this date, some relocating licensees in the U.S.-Canada border region have yet to conclude FRAs with Sprint, and most border region licensees have yet to complete their system re-tunes. Accordingly, to preserve currently vacant channels for use by these licensees and avoid potential

¹ See Improving Public Safety Communications in the 800 MHz Band, New 800 MHz Band Plan for U.S. - Canada Border Regions, WT Docket 02-55, *Second Report and Order*, 23 FCC Rcd 7605 (PSHSB 2008).

² See Public Safety and Homeland Security Bureau Announces that the 30-Month Transition Period for 800 MHz Band Reconfiguration in Regions Along the U.S.-Canada Border will Commence on October 14, 2008, WT Docket No. 02-55, *Public Notice*, 23 FCC Rcd 14877 (PSHSB 2008) (*US-Canada Border Rebanding PN*).

³ *Id.* at 14878.

⁴ *Id.* at 14878-79.

⁵ See Improving Public Safety Communications in the 800 MHz Band, WT Docket 02-55, WT, *Memorandum Opinion and Order*, 20 FCC Rcd 16015, 16057 ¶ 97 (2005).

⁶ *US-Canada Border Rebanding PN*, 23 FCC Rcd at 14879.

licensing conflicts that could delay rebanding, we have determined that temporarily reinstating the freeze is in the public interest.

We therefore are reinstituting the freeze on acceptance of non-rebanding applications for 800 MHz licenses in the NPSPAC Regions listed in the Appendix attached to this Public Notice. This freeze also applies to those stations located within seventy miles of the borders of the NPSPAC Regions listed in the Appendix. The freeze applies only to applications for new facilities or modification applications that involve a change of frequency or expand a station's existing coverage area.⁷ Applications that have no effect on frequency or coverage (*e.g.*, administrative updates, assignments/transfers, and renewal-only applications) are exempt from the freeze.⁸

We recognize that the application freeze may prevent some licensees from expanding their current facilities or obtaining new licenses. Consequently, we will monitor the progress of rebanding along the U.S. - Canada border and will lift the freeze before April 14, 2011 in any NPSPAC region where sufficient rebanding progress has been made that the grant of non-rebanding applications would have no negative impact on the rebanding process.⁹ In addition, for good cause shown, licensees may seek Special Temporary Authorization (STA) to expand their facilities or add channels during the freeze, based on an appropriate showing of public interest need as described in the Bureau's December 2006 *STA Guidance Public Notice*.¹⁰

For further information, contact: Brian Marengo, Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-0838 or Brian.Marengo@fcc.gov; or Roberto Mussenden, Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-1428 or Roberto.Mussenden@fcc.gov.

Action by the Deputy Chief, Policy Division, Public Safety and Homeland Security Bureau.

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⁷ *US-Canada Border Rebanding PN*, 23 FCC Rcd at 14879.

⁸ *Id.*

⁹ April 14, 2011 is the date by which the 30-month transition period for completing band reconfiguration along the U.S.-Canada border ends. See *US-Canada Border Rebanding PN*, 23 FCC Rcd at 14877.

¹⁰ See Public Safety and Homeland Security Bureau Provides Guidance for Public Safety Licensees With Regard to License Application and Special Temporary Authorization Procedures and Payment of Frequency Relocation Costs for Public Safety Facilities Added During 800 MHz Band Reconfiguration, WT Docket No. 02-55, *Public Notice*, 21 FCC Rcd 14658 (PSHSB 2006).

APPENDIX
NPSPAC Regions Along U.S. - Canada Border Subject to Freeze

NPSPAC Region	Description of Region ¹¹
19	New England
21	Michigan
30	Eastern Upstate NY
33	Ohio
36	Western PA
43	Washington
55	Western Upstate NY

¹¹ Regions that are only a portion of a state or states are defined by counties. A list of the counties in each of these regions can be accessed at <http://www.fcc.gov/Bureaus/Wireless/Orders/1998/fcc98191.txt>.